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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

KILGORE v. BARR.

Sept. 9, 1912.

[75 S. E. 762.]

Bankruptcy (§ 228*)—Preferences—Jurisdiction by Consent.—The bankruptcy court had jurisdiction by consent, so that its determination was conclusive, where at a meeting before the referee in bankruptcy of the creditor of D., the question of whether C.'s note to D. passed to R. by D.'s assignment, was raised, and to such proceeding C. and R. were made parties on their own motion, and after a hearing, the referee held it was a voidable preference, and did not pass, and C. and R. appealed to the district court on the merits only.

[Ed. Note.—For other cases, see Bankruptcy, Cent. Dig. § 387; Dec. Dig. § 228.*]

Error to Circuit Court, Wise County.

Action by E. L. Barr, trustee in bankruptcy, against Charles T. Kilgore. Judgment for plaintiff. Defendant brings error. Affirmed.

E. M. & E. H. Fulton, for plaintiff in error.

Vicars & Peery, for defendant in error.

VIRGINIA COAL & IRON CO. v. ISONN et al.

Sept. 9, 1912.

[75 S. E. 782.]

1. Ejectment (§ 15*)—Common Source of Title.—Where, in ejectment, both parties claimed under a common source of title, neither party need trace his title beyond the common source, though he was not their immediate grantor.

[Ed. Note.—For other cases, see Ejectment, Cent. Dig. §§ 59-62; Dec. Dig. § 15.*]

2. Boundaries (§ 41*)—Calls in Deeds—Evidence—Instructions.—Where, in ejectment, the issue involved the location of a line pursuant to an ambiguous call in a deed, and the evidence failed to show any natural object or well-defined lines called for in the title papers tending to show the true location of the disputed line, but the line

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.